d/f

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YAMAHI HOGARTH,

                                 Plaintiff,

              -against-

THE CITY OF NEW YORK, POLICE OFFICER
RUDY LAHENS, POLICE OFFICER JENNY-ANN
NELSON, POLICE OFFICER CHARLES
STEWART, POLICE OFFICER JEREMY
DEMARCO, POLICE OFFICER MATTHEW
REGINA, POLICE OFFICER SANTIAGO,

                            Defendants.

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**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

05 CV 4850(RJD)(RML)

      WHEREAS, plaintiff commenced this action by filing a complaint on or about

October 10, 2005, alleging that defendants violated plaintiff's federal civil and state common law

rights; and

      WHEREAS, defendants have denied any and all liability arising out of plaintiff's

allegations; and

      WHEREAS, the parties now desire to resolve the issues raised in this litigation,

without further proceedings and without admitting any fault or liability;

      WHEREAS, plaintiff has authorized counsel to settle this matter as against

defendants on the terms enumerated below:

      NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by

and between the undersigned, as follows:

1.   The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2.   Defendant City of New York hereby agrees to pay plaintiff the sum of Twenty-Two Thousand and Five Hundred Dollars ($22,500.00) in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the individually named defendants; and to release all defendants and any present or former employees and agents of the City of New York, and the City of New York from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney's fees.

3.   Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4.   Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5.   Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, the New York City Police Department or the New York City Department of Correction.
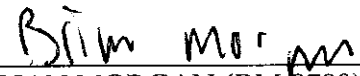
6.   This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
      July 28, 2006

Richard Cardinale, Esq.
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Attorneys for Plaintiff
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MICHAEL A. CARDOZO
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  City of New York
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New York, New York 10007
(212) 788-1177

By: _____
    RICHARD CARDINALE (8507)
    Attorney for Plaintiff

By: _____
    BRIAN MORGAN (BM 8799)
    Assistant Corporation Counsel

SO ORDERED.

Date: Brooklyn, New York
    Sept. 6, 2006.

SO ORDERED:

s/ Judge Raymond J. Dearie

_____
U.S.D.J.

RAYMOND J. DEARIE
United States District Judge